IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Writ Petition No. 33 (SS) of 2003

1. Ramesh Chandra Dimri, S/o late Sri S.N. Dimri, R/o 45, Shastri Nagar, Saurabh PCO Lane, Ajabpur Danda, P.O.- Nehru Gram, Hardwar Road, Dehradun.

2. Jagdish Prasad Gairola, S/o late Sri P.D. Gairola, R/o Purushotam Sadan, Near Doon Public School, Bhaniyawala, P.O. - Bhaniyawala, District - Dehradun.

3. Dr. Jagdish Prasad Naudiyal, S/o Sri Chet Ram Naudiyal, R/o B.E.G. Road, Raiwala, P.O. – Raiwala, district- Dehradun.

4. Bhagwan Singh Saini, S/o Sri C.S. Saini, R/o Village and P.O.- Bhaniyawala, District - Dehradun.

…….Petitioners

Versus

1. State of Uttaranchal through its Secretary, Education, Dehradun.
2. State of U.P. through its Chief Secretary, Lucknow.
3. Finance Secretary, State of Uttaranchal, Dehradun.
4. Director, Intermediate / Basic Education, Dehradun.

…….Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri I.P. Gairola, learned counsel for the petitioner, Smt. Beena Pandey, learned Standing Counsel for State of U.P. on behalf of respondent no. 2 and Sri Subhash Upadhyay, learned Brief Holder State of Uttaranchal on behalf of respondents no. 1, 3 and 4.

Petitioners, who were working as Teacher and now retired, have filed present writ petition for a relief that they may be granted revised pay scale of fifth Pay Commission, at par with Central Government Teacher with effect from 01.01.1996.

Petitioner no. 1 was retired in the year 1996 when he was working in the State of U.P. and rest of the petitioners were retired after creation of State of Uttaranchal on 30.06.2001

Learned counsel for State of Uttaranchal has drawn my attention towards the Government Order dated 20.12.2001 passed by State of Uttaranchal which clearly speaks that the revised pay scale, at par with the Central Government teachers, on the recommendation of fifth Pay Commission, shall be granted to the teachers of State of Uttaranchal with effect from 01.07.2001.

In view of the aforesaid Government Order, I do not find any merit in the writ petition.

Learned counsel for the petitioner has submitted that number of teachers, who had been retired after 01.07.2001, are getting the benefit, which is claimed by the petitioners, however, petitioners have not been granted the said benefit of revised pay scale with effect from 01.01.1996.

In case, other similarly situated teachers are getting the benefit, then petitioners may apply before the authority for consideration of their case and in case, they apply for the same by making representation it is expected from the authority concerned that he shall decide the same within a period of three months from the date of production of representation along with certified copy of this order

With this direction, the writ petition as well as stay application no. nil of 2003 is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

December 7, 2006
SKSharma